UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,151	01/30/2001	Herbert Moncibais	1710-2000	1235

7590 06/29/2004	**EXAMINER**
Arthur I. Navarro	PATEL, NIKETA I
Navarro IP Law Group	

ART UNIT	PAPER NUMBER
2182	

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DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)	
Office Action Summary	09/774,151		MONCIBAIS, HERBERT	
	Examiner		Art Unit	
	Niketa I. Patel		2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 January 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07/06/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because it contains an

embedded hyperlink and/or other form of browser-executable code.

Applicant is required to delete the embedded hyperlink and/or

other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter, which the
> applicant regards as his invention.

3.   Claims 1-18 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant

regards as the invention.

4.   Claim 1 recites the limitation *"said computer"* in lines 9,

11, 12 and 15.   There is insufficient antecedent basis for this

limitation in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims 1-45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nelson U.S. Patent Number: 6,292,838

(hereinafter referred to as "*Nelson*") and Baca et al. U.S.

Patent Number: 6,745,235 (hereinafter referred to as "*Baca*".)

7.   **Referring to claims 1, 19 and 33,** *Nelson* teaches a system

for automated configuration of access to a wide area network

comprising: an application server computer comprising: an

interface to said wide area network [see column 3 - lines 11 to

22]; control software for detecting the type of connection

available for use by said system over said interface and for

configuration use of said wide area network by one or more users

[see column 5 - lines 18 to 22 and 34 to 57]; and means for

storing user configuration and security information [see column

8 - lines 12 to 27]; a communications link providing a signaling

pathway for said computer over said wide area network through

said interface [see column 3 - lines 11 to 22] and *Baca* teaches

a control center accessible by said computer over said

communication link, said control center adapted to automatically

detect the presence of said computer on said wide area network

area it is connected to said communication link via said

interface, said control center further adapted to provide

automatic registration, configuration and protection of said

computer so that said one or more users are able to achieve

access to and use of said wide area network [see *Baca* column 8 –

lines 45 to 64, column 12 – lines 33 to 48 column 13 – lines 51

to 53.]

One of ordinary skill in the art at the time of applicant's

invention would have clearly recognized that it is quite

advantageous for the network system of *Nelson* to have a control

center further adapted to provide automatic registration,

configuration and protection information in order to provide

ease of access and improve service quality to customers, and

revenue generation and operations savings services for network

providers and service providers. It is for this reason that one

of ordinary skill in the art would have been motivated to

implement *Nelson's* network system with a control center further

adapted to provide automatic registration, configuration and

protection information in order to provide ease of access and

improve service quality to customers, and revenue generation and

operations savings services for network providers and service

providers.

8.   **Referring to claims 2,** teachings of *Nelson* as modified by

teachings of *Baca* as applied above teaches wherein said

communication link is a T1 phone line [see *Baca* column 8 - lines

45 to 64.]

9.   **Referring to claim 3,** teachings of *Nelson* as modified by

teachings of *Baca* as applied above teaches wherein said

communication link is a digital subscriber line (D.L.) [see *Baca*

column 8 - lines 45 to 64.]

10.   **Referring to claim 4,** teachings of *Nelson* as modified by

teachings of *Baca* as applied above teaches wherein said

communications link is an Integrated Services Digital Network

(ISDN) [see *Baca* column 8 - lines 45 to 64.]

11.   **Referring to claim 5,** teachings of *Nelson* as modified by

teachings of *Baca* as applied above teaches wherein said

communications link is a Cable wide area network connection [see

Baca column 8 - lines 45 to 64.]

12.   **Referring to claim 6,** teachings of *Nelson* as modified by

teachings of *Baca* as applied above teaches wherein said

communications link is a wireless wide area network connection

[see *Baca* column 8 - lines 45 to 64.]

13. **Referring to claim 7,** teachings of *Nelson* as modified by
teachings of *Baca* as applied above teaches wherein said
communications link is an analog telephone line [see *Baca* column
8 - lines 45 to 64.]

14. **Referring to claims 8, 22, 34,** teachings of *Nelson* as
modified by teachings of *Baca* as applied above teaches wherein
said control software further comprises a firewall to protect
users from unauthorized access [see *Baca* column 12 - lines 1 to
15.]

15. **Referring to claims 9, 23, 35,** teachings of *Nelson* as
modified by teachings of *Baca* as applied above teaches wherein
said firewall further comprises a network address translator
(NAT) protocol [see *Baca* column 12 - lines 1 to 15.]

16. **Referring to claims 10, 24, 36,** teachings of *Nelson* as
modified by teachings of *Baca* as applied above teaches wherein
said control software further comprises a virus protection
program [see *Baca* column 12 - lines 1 to 15.]

17. **Referring to claims 11, 25, 37,** teachings of *Nelson* as
modified by teachings of *Baca* as applied above does not set
forth the limitation of wherein said application server computer
further comprises a means for facsimile (Fax) communications.

It would have been obvious to one or ordinary skill in the
art at the time of applicant's invention that it was old and

well known in the computer art to get the advantage being able

to provide users with facsimile services by using facsimile

(Fax) communications. It would have been obvious to one or

ordinary skill in the art ate the time of applicant's invention

to include facsimile (Fax) communications to get this advantage.

18. **Referring to claims 12, 13, 26, 27, 38, 39,** teachings of

Nelson as modified by teachings of *Baca* as applied above does

not set forth the limitation of wherein said application server

computer further comprises means for utilizing one e-mail

domain.

It would have been obvious to one or ordinary skill in the

art at the time of applicant's invention that it was old and

well known in the computer art to get the advantage being able

to provide users with email services by using email domains. It

would have been obvious to one or ordinary skill in the art ate

the time of applicant's invention to include one email domain to

get this advantage.

19. **Referring to claims 14, 28, 40,** teachings of *Nelson* as

modified by teachings of *Baca* as applied above teaches wherein

said application server computer further comprises a virtual

private network which allows several computers to communicate

via said wide area network [see *Nelson* column 5 - lines 52 to

57.]

20. **Referring to claims 15, 29, 41,** teachings of *Nelson* as
modified by teachings of *Baca* as applied above teaches wherein
said application server computer further comprises a means for
caching world wide web pages to allow fast recall of previously
visited web pages [see *Nelson* column 6 - lines 53 to 65.]

21. **Referring to claims 16, 30,** teachings of *Nelson* as modified
by teachings of *Baca* as applied above teaches wherein said
application server computer further comprises means for users to
connect to said wide area network simultaneously through an
Internet Service Provider [see *Baca* column 12 - lines 1 to 15.]

22. **Referring to claims 17, 20,** teachings of *Nelson* as modified
by teachings of *Baca* as applied above teaches wherein said
control center further comprises means to update said
application server computer [see *Baca* column 13 - lines 51-53.]

23. **Referring to claims 18, 21,** teachings of *Nelson* as modified
by teachings of *Baca* as applied above teaches wherein said
control center further comprises means to troubleshoot said
application server computer [see *Baca* column 8 - lines 45 to
64.]

24. **Referring to claim 31,** teachings of *Nelson* as modified by
teachings of *Baca* as applied above teaches further comprising
means for accepting a Global Positioning Satellite Location
signal [see *Baca* column 8 - lines 45 to 64.]

25. **Referring to claim 32,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising means for communicating said location signal to said control center [see *Baca* column 8 – lines 45 to 64.]

26. **Referring to claim 42,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a unique identification number [see *Nelson* column 5 – lines 35-47, IP and MAC addresses.]

27. **Referring to claim 43,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising logic means for communication with a control center [see *Nelson* column 3 – lines 11 to 22.]

28. **Referring to claim 44,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a logic means for confirming said unique identification number with said control center [see *Nelson* column 5 – lines 35-47, IP and MAC addresses.]

29. **Referring to claim 45,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a logic means for logging IP address of computers communicating with said program product over said wide area network [see *Nelson* column 5 – lines 35-47, IP and MAC addresses.]

Conclusion

30. The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure. The following

documents have been made record of to further show the state of

the art as it pertains to monitoring a network:

Carmello et al. U.S. Patent Number: 6,425,000

Danner et al. U.S. Patent Number: 6,711,618

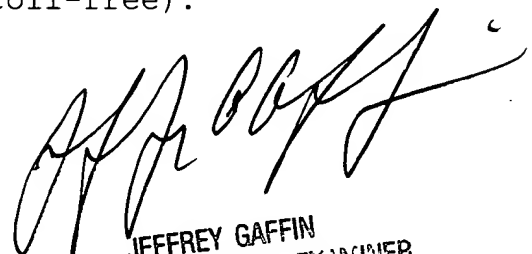Chrabaszcz U.S. Patent Number: 6,263,387

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Niketa I.

Patel whose telephone number is (703) 305 4893. The examiner

can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can

be reached on (703) 308 3301. The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system,
see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

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06/24/2004

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